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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,121	03/14/2001	Kenji Kamimura	2001-0076A	6291
513	7590	07/15/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			ROSE, ROBERT A	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

<b>Office Action Summary</b>	<b>Application No.</b> 09/787,121	<b>Applicant(s)</b> KAMIMURA ET AL.	
	<b>Examiner</b> Robert Rose	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/19/04, 4/21/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-24, 26-30 and 32-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-50 is/are allowed.
- 6) ☒ Claim(s) 20-24, 26-29 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-19, 25, and 30-31 have been canceled.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-24, 26-29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berman. Berman disclose several different materials for use as conditioning surfaces, which need not be the same material as the workpiece being polished. Note figures 1-4, a pair of dressing surfaces with different dressing elements are provided for dressing the polishing pad surface. The dressing elements may either be on a single arm with means to rotate each surface into a dressing position, or on separate arms. The conditioning or preconditioning steps are deemed to constitute dressing operations, since they prepare the polishing pad surface for subsequent polishing operations. The dressing elements are applied at different times. With regard to claims 45-46, a method of intended use is recited, while applicant is claiming an apparatus. The apparatus of Berman appears fully capable of performing a dressing operation based upon a deterioration in wafer quality due to pad degradation, such use if given any weight, is deemed an obvious matter of design choice to those of ordinary skill in the art.

4. Claims 33-50 are allowed.
5. Applicant's arguments filed March 19, 2004 have been fully considered but they are not persuasive. Applicant's new limitation of the dressing units being of a material different from that of the workpiece is deemed obvious over Berman, since Berman disclose several different

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materials useful for the conditioning surfaces, including diamond, and which need not be the same material as the workpiece. Applicant's limitation of the dressing units being applied to the pad surface at different times, is deemed to be met by the art of record. The apparatus of Berman is deemed to disclose plural dressing units, which are applied at different times to the surface of the polishing pad to condition it's surface. While applicant argues that the conditioning and preconditioning surfaces of Berman do not dress the pad but merely break in the pad, it is the examiner's view that such breaking-in is fairly readable as a dressing step, since the surface of the pad is altered in the process to a desired state. Japan('157), and WO99/50024 were applied for their teaching of utilizing a brush element to remove stray particles left by the initial dressing unit, and providing an atomizer, to dislodge debris from the pad surface, respectively.

6. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

rr

July 9, 2004.



ROBERT A. ROSE  
PRIMARY EXAMINER  
ART UNIT 323